

Tallawarra Lands Concept Plan
Approval Modification

APPENDIX

B

SEARS COMPLIANCE TABLE

SEARs Compliance Table

The table below details how each of the requirements detailed in the Secretary's Environmental Assessment Requirements Tallawarra Lands Modification (SEARs) have been addressed in the Tallawarra Lands Concept Plan Approval Modification EIS.

Table 1-1 Compliance with Secretary's Environmental Assessment Requirements Tallawarra Lands Modification

Clause/Commitment	Tallawarra Lands Modification Response	Compliance
<p>1. Land Use Planning</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> • Address the statutory provisions applying to the site and all relevant strategic planning objectives outlined in the documents listed at Attachment A; • Justify the proposed increase in residential land use and densities across the site in the context of relevant Environmental Planning Instruments and the broader strategic planning framework for the site; and • Assess the potential environmental and residential amenity impacts associated with the proposal and demonstrate the expanded development footprint is suitable for residential development, considering the site's proximity to the Tallawarra Power Station, future employment lands and the Illawarra Regional Airport. 	<p>The Statutory provisions regarding the Modification to the Tallawarra Lands Concept Plan are addressed in Section 4 of the Tallawarra Lands Concept Plan Modification EIS, including the documents listed in Attachment A to the SEARs.</p> <p>The increase to residential land use and densities across the site have been addressed throughout the Tallawarra Lands Concept Plan Modification EIS. Specifically, Sections 2 and 3 address the changes to the Concept Plan and the justification for these changes.</p> <p>Section 5 of the Tallawarra Lands Concept Plan Modification EIS addresses all of the potential environmental and residential amenity impacts from the modifications proposed.</p>	<p>Yes</p>
<p>2. Comparison with the Concept Approval (MP 09_0131)</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> • Demonstrate how the proposed modification can be assessed and determined within the scope of Section 75W of the <i>Environmental Planning and Assessment Act 1979</i>, and in particular, address any environmental impacts beyond those already assessed in the concept approval; and • Provide a comparative assessment (qualitative and quantitative) of the proposed modification against the approved concept, clearly describing, identifying and providing a rationale for the proposed amendments, including the status of the business park, neighbourhood centre and industrial precincts. 	<p>Section 4 of the Tallawarra Lands Concept Plan Modification EIS talks directly to the applicability of Section 75W of the Environmental Planning and Assessment Act 1979 as the appropriate planning approvals pathway to consider the proposed modification to the Tallawarra Lands Concept Approval.</p>	<p>Yes</p>

Clause/Commitment	Tallawarra Lands Modification Response	Compliance
<p>3. Subdivision Design</p> <p>The modification request shall include indicative details of the proposed subdivision layout and design which:</p> <ul style="list-style-type: none"> • Includes an indicative subdivision pattern responsive to the site conditions and constraints, including aspect, orientation, slope, drainage lines and vegetation; • Demonstrates future lots would be orientated to maximise solar access to future dwellings; • Includes perimeter roads around development boundaries and appropriate buffer areas to riparian corridors; • Minimises cul-de-sacs, battle axe blocks and rear property boundaries facing publicly accessible/visible areas; • Includes water sensitive urban design measures to minimise the extent of impervious areas and encourage stormwater infiltration, treatment and reuse; • Includes measures to minimise land use conflicts, including appropriate landscaping and buffer areas; • Provides sufficient passive and active open space for the expected additional population; • Maximises permeability through the site and linkages/connections to the Lake Illawarra foreshore; and • Minimises potential for vehicle, bicycle and pedestrian conflicts. 	<p>Indicative subdivision layouts have been included within the Tallawarra Lands Concept Plan Modification EIS demonstrating the required characteristics of the modified design as required by the SEARs. These are contained within Section 3 of the EIS.</p>	<p>Yes</p>
<p>4. Visual Impacts</p> <p>The modification request shall provide a detailed visual impact assessment of the proposal from key viewpoints including views towards the site from Shellharbour LGA. The assessment shall provide a comparative analysis of the visual impacts of the proposed compared against the Concept Approval.</p>	<p>A Visual Impact Assessment has been completed to support the Tallawarra Lands Concept Plan Modification EIS. This is discussed in detail at Section 5.9 EIS, with the full report contained at Appendix K.</p>	<p>Yes</p>
<p>5. Noise Assessments</p> <p>The modification request shall include an acoustic assessment prepared by an appropriately qualified acoustic expert, which:</p> <ul style="list-style-type: none"> • Includes an assessment of acoustic impacts from all surrounding noise sources, including the Tallawarra Power Station and any required buffer zones; 	<p>A Noise Assessment has been completed to support the Tallawarra Lands Concept Plan Modification EIS. This is discussed in detail at Section 5.4 EIS, with the full report contained at Appendix F.</p>	<p>Yes</p>

Clause/Commitment	Tallawarra Lands Modification Response	Compliance
<ul style="list-style-type: none"> Includes an assessment of the cumulative impacts of noise sources (road, rail, aviation, power station, industrial and commercial areas) on the proposed modification; Demonstrates that future dwellings on the proposed lots would comply with the noise levels standards specified in the State Environmental Planning Policy (Infrastructure) 2007, and the requirements of the Development of New Rail Corridors and Busy Roads – Interim Guideline, 2008; Demonstrates compliance with the NSW Industrial Noise Policy at the boundary of nearby residential lots; Includes a plan clearly illustrating noise contour lines in relation to the proposed expansion of residential uses on the site; Includes an assessment of, and advice on the status of, the matters specified in Schedule 3 Future Environmental Assessment Requirements 5, 6 and 7 of the Concept Approval, and if any of those requirements have been triggered, information on their progression, and Includes details of ongoing noise management and mitigation measures, including design responses to minimise noise impacts 		
<p>6. Transport and Accessibility</p> <p>The modification request shall include a Traffic Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Developments which also addresses:</p> <ul style="list-style-type: none"> The impact of the additional lots on the road network, including connections to the Princes Highway and the Princes Motorway; Staging and funding of infrastructure, including the provision of connections to Cormack Avenue and Haywards Bay; Mitigation of road traffic noise; Traffic and road safety impacts; Any impacts of the proposed bypass of Albion Park Rail; and The retention of foreshore access links. 	<p>A Traffic Impact Assessment has been completed to support the Tallawarra Lands Concept Plan Modification EIS. This is discussed in detail at Section 5.2 EIS, with the full report contained at Appendix D.</p>	<p>Yes</p>
<p>7. Flora and Fauna</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> Include an assessment of biodiversity impacts in accordance with the “avoid, minimise and offset hierarchy”, the <i>NSW Biodiversity Offset</i> 	<p>A Biodiversity Assessment Report has been completed to support the Tallawarra Lands Concept Plan Modification EIS. This is discussed in detail at Section 5.5 EIS, with the full report contained at Appendix G.</p>	<p>Yes</p>

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<p><i>Policy for Major Projects</i>, using an appropriate biodiversity assessment methodology such as the <i>Framework for Biodiversity Assessment 2014</i>, and the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>;</p> <ul style="list-style-type: none"> • Provide a field survey of the site in accordance with the <i>Threatened Species Assessment Guideline</i>, including: <ul style="list-style-type: none"> ○ An assessment and evaluation of the likely impacts on threatened species and their habitat; and ○ A description of the proposed actions to avoid or mitigate impacts or compensate for unavoidable impacts on threatened species and their habitat; • Outline the measures for conservation/management of high environmental value and biodiversity corridor lands identified in the <i>Illawarra Shoalhaven Regional Plan 2015</i>, any vegetation with connective importance, and to protect and manage the riparian corridor and adjacent aquatic habitat; • Provide an updated Environmental Management Strategy (EMS) which addresses potential impacts (during all phases of development) on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i>), in accordance with the OEH <i>Threatened Species Survey and Assessment Guidelines</i>, and DPI Fisheries' <i>Policy and Guidelines for Fish Habitat Conservation and Management 2013</i>. Provide details on monitoring programs designed to assess impacts on water quality, water flow and aquatic and riparian environments downstream of the proposal area; • Address the potential impacts of the proposed modification on wetlands, including hydrologic regime/groundwater recharge, water quality and loss/degradation of habitat, and measures to minimise impacts; • Provide an updated survey of wetlands, including an inventory of wetland vegetation and mapped boundaries of wetland by vegetation type, using GIS; • Provide updated details of the presence and distribution of Groundwater Dependent Ecosystems (GDEs) and identify any potential impacts of GDEs; and 		

Clause/Commitment	Tallawarra Lands Modification Response	Compliance
<ul style="list-style-type: none"> Provide updated investigations and mapping of Endangered Ecological Communities and justify/detail any impacts on the approved widths of riparian buffers, including to Lake Illawarra in the North Shore Precinct, any other proposed conservation methods on the site, and mitigation measures. 		
<p>8. Conservation Areas and Foreshores</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> Provide updated details of the project's interface with the public domain areas, conservation areas and the Lake Illawarra foreshore; Outline the in-perpetuity management and maintenance of the above areas, including ownership, tenure, funding, public access, and vegetation and rehabilitation works; and Include updated landscape and landscape management plans. 	<p>The concept plan provided within Section 3 details how the proposed subdivision pattern integrates with the surrounding open space and Lake Illawarra foreshore. The ongoing in-perpetuity management and maintenance of these areas will remain as indicated within the approved Concept Plan.</p> <p>The initial scheme provided to inform the SEAR's identified a reduced area of RE1 land. The reduction of the RE1 land was made in error and has now been rectified, with the full extent of the RE1 land reinstated.</p>	Yes
<p>9. Riparian Impacts</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> Identify and address the any proposed amendments to the approved widths of riparian areas and buffers to wetlands, watercourses, the Lake Illawarra foreshore, other important aquatic habitats and other significant and ecologically sensitive areas; and Include a water management plan and monitoring strategy which demonstrate how the NSW Water Quality objectives within the receiving waters of Lake Illawarra would be achieved during the future construction and operational phase of the development. 	<p>The proposed changes to the subdivision layout have maintained riparian corridor width, with this space to managed as detailed within the Approved Concept Plan Vegetation Management Plan.</p>	Yes
<p>10. Groundwater/Contamination/Acid Sulphate Soils</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> Undertake a review of the current hydrogeological setting, with an update of the remediation of contamination within the approved Concept area; Identify whether the proposed additional footprint comprises contaminated land or groundwater contamination and include a detailed description of the soil sampling methodology, any required remediation measures and ongoing site contamination management in accordance with <i>Contaminated Land Management Act 1997</i> (CLM Act) and the <i>Managing Land Contamination: Planning Guidelines</i>; Include an updated investigation of AEC, including: 	<p>A Geotechnical Report and Environmental Site Assessment has been completed to support the Tallawarra Lands Concept Plan Modification EIS. This is discussed in detail within Sections 5.7 and 5.8 EIS, with the full reports contained at Appendix I, J and O.</p>	Yes

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<ul style="list-style-type: none"> ○ The potential for contaminants to be present in soil and groundwater in the vicinity of the ash ponds to be mobilised and transported to the adjacent shallow aquifer, duck creek and the receiving waters of Lake Illawarra and measures to address this, including the feasibility of remediation of contaminated soils and/or containment of contamination sources; ○ Potential for contamination in the vicinity of the Ash Ponds to adversely affects GDEs on the site; ○ Measures to ensure that the environmental attributes of conservation lands on the site are not adversely impacted upon by soil and groundwater contaminants; ○ Any risks to human health or the environment; ○ Recommendations for ongoing management of contaminated groundwater. ● Provide verification by an auditor accredited under the CLM Act of the adequacy of the above investigation, effectiveness of any proposed remediation, and suitability of the site for the proposed modification in accordance with SEPP 55 – Remediation of Land; ● Assess and advise on the status of the contamination matters specified in Schedule 3 Future Environmental Assessment Requirements 11 and 12 of the Concept Approval and, if any of those requirements have been triggered, information on their progression; and ● Address the need for an Acid Sulphate Management Plan 		
<p>11. Flooding</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> ● Provide an assessment of any additional flood risks associated with the proposal in accordance with the NSW floodplain Development Manual (2005), including the impact of flooding on the development, the impact of the development on flood behaviour and the potential impacts of climate change, coastal processes, sea level rise and an increase in rainfall intensity; and ● Address changes in hydrology from the proposed modification (runoff, tidal movement. Flood flows and groundwater regime) and impacts on environmental lands within and surrounding the site. 	<p>A Flood Risk Assessment has been completed to support the Tallawarra Lands Concept Plan Modification EIS. This is discussed in detail at Section 5.3 EIS, with the full report contained at Appendix E.</p>	<p>Yes</p>

Clause/Commitment	Tallawarra Lands Modification Response	Compliance
<p>12. European Heritage and Aboriginal Cultural Heritage</p> <p>The modification request shall include a revised:</p> <ul style="list-style-type: none"> Heritage Impact Assessment prepared in accordance with the NSW Heritage Manual which addresses the significance of, and provides an assessment of, the impact on heritage significance of heritage items, landscape features and vegetation on the site and items in the vicinity, and Aboriginal Cultural Heritage Assessment in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (DECCW, 2011), and <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (DECCW). 	<p>A Statement of Heritage Impact and an Aboriginal Archaeological Report has been completed to support the Tallawarra Lands Concept Plan Modification EIS. These are discussed in detail at Sections 5.10 and 5.11 of the EIS, with the full reports contained at Appendix L, M and N.</p>	<p>Yes</p>
<p>13. Ecologically Sustainable Development (ESD)</p> <p>The modification request shall identify how best practice ESD principles would be incorporated into the future development.</p>	<p>Section 3 of the EIS details the proposed modifications to the approved Concept Plan, with these changes taking into account the principles of ESD.</p>	<p>Yes</p>
<p>14. Bushfire</p> <p>The modification request shall demonstrate compliance with the relevant provisions of <i>Planning for Bush fire Protection 2006</i>.</p>	<p>A Flood Risk Assessment has been completed to support the Tallawarra Lands Concept Plan Modification EIS. This is discussed in detail at Section 5.6 of the EIS, with the full report contained at Appendix H.</p>	<p>Yes</p>
<p>15. Aviation</p> <p>The modification request shall address potential impacts of the proposal on the Illawarra Regional Airport in consultation with relevant authorities.</p>	<p>The requirements for development within close proximity have been addressed in Section 4.8.1 of the EIS. Consultation has been attempted with a number of stakeholders with no responses received at the time of submission of this EIS. These parties included;</p> <ul style="list-style-type: none"> Civil Aviation Safety Authority Air Services Australia Illawarra Regional Airport <p>Note, the Illawarra Regional Airport is managed by Council who have been consulted with in regards to the development scheme. Council were generally supportive of the project's strategic intent.</p>	<p>Yes</p>
<p>16. Contributions</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> Identify and address the additional demand created by the proposal on public facilities and infrastructure and detail the likely scope of any planning agreement and/or developer contributions with Council and State agencies; and 	<p>The demand for services within the site will slightly increase as a result of the increased density of residential development and from the increase in residential lots across the site. The infrastructure proposed within the Approved Concept Plan will accommodate these small increases in demand and there is not expected to be any additional infrastructure requirements. As such, there are no changes to the infrastructure plan proposed for the Tallawarra Lands, with contributions to be managed as detailed within the Approved Concept Plan.</p>	<p>Yes</p>

Clause/Commitment	Tallawarra Lands Modification Response	Compliance
<ul style="list-style-type: none"> Provide an Infrastructure Plan in consultation with Councils and relevant State agencies which outlines the expected timing/staging for the provision of Infrastructure required to service the development. 		
<p>17. Utilities</p> <p>The modification request shall:</p> <ul style="list-style-type: none"> Address, in consultation with relevant agencies, the existing capacity and requirements of the proposal for the provision of utilities, including staging of infrastructure works and protection of utilities' assets; and Outline any proposed sustainability initiatives to reduce the demand for drinking water, including alternative water supply, end users of drinking and non-drinking water, water sensitive urban design and proposed water conservation measures. 	<p>Section 5.12 of the EIS details the utilities requirements associated with the proposed modifications, including consultation that has occurred with the various utility service providers.</p>	<p>Yes</p>
<p>18. Statement of Commitments</p> <p>The modification request shall include any new or modified Statements of Commitments detailing measures for environmental management, mitigation measures and monitoring for the development.</p>	<p>The Statement of Commitments that relate to each of the areas where additional assessment has been undertaken has been addressed, with details provided of any potential amendments. Changes to the Statement of Commitments are only minor in nature and relate to the incorporation of requirements identified within the specialist studies undertaken.</p>	<p>Yes</p>